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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,972	03/11/2004	Masaya Yamamoto	2004_0392A	4039

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EXAMINER
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SAN JUAN, MARTINJERIKO P

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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07/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/796,972

Applicant(s)

YAMAMOTO ET AL.

Examiner

Martin Jeriko P. San Juan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/9/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is a response to the following case application:

Non-provisional Application: 10/796972 filed on March 11, 2004.

Applicant's Specification and Claims were not in English; a certified translation has been received and accepted.

Claims 1-12 are originally received.

Claims 4-6 have originally been amended and claims 13-18 have originally been added to remove multiple claim dependencies.

Claims 1-18 are pending.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Peinado et al. [US 6772340 B1].

Regarding claim 1, Peinado et al. teach a playback terminal for playing back a medium [User's computing device – (starting Col 12, line 64)] on which is recoded encrypted content [Col 2, Ln 65] and a medium key that is unique to the medium [In one embodiment, different encryption/decryption keys (which can be a symmetric key – Col

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7, Ln 39) are used to serially produce several different digital content packages (Col 7, Ln 25-29) to track distribution. These packages are copied onto magnetic or optical disks or other storages devices which may then be distributed (Col 10, Ln 1-3).], comprising: a license obtaining unit [DRM System – License Acquisition (starting Col 18, Ln 41)] operable to obtain a license that includes at least a decryption key for the encrypted content [Col 21, Ln 29-31]; a content key obtaining unit operable to obtain a content key from the license [DRM System – License Evaluator (starting Col 15, Ln 25)]; a key selection unit operable to judge which of the medium key and the content key is to be used in decryption of the encrypted content [DRM System – Content Rendering Part 2, and DRM License Evaluator (starting Col 16, Ln 54). Keys needed to render content depend on License(s) obtained and Right(s) negotiated (Col 21, Ln 1-10)]; and a decryption unit operable to decrypt the encrypted content using the key selected by the key selection unit [DRM System – Black Box (Col 15, Ln 60-63)].

Regarding claim 2, Peinado et al. teach a playback terminal for playing back a medium on which is recoded encrypted content, a medium key that is unique to the medium, and key selection information [DRM System – State Store, This maintains state information corresponding to licenses/rights which determine valid keys for content rendering (starting Col 16, Ln 28).], comprising: a license obtaining unit [DRM System – License Acquisition (starting Col 18, Ln 41)] operable to obtain a license that includes at least a decryption key for the encrypted content [Col 21, Ln 29-31]; a content key obtaining unit operable to obtain a content key from the license [DRM System – License Evaluator

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(starting Col 15, Ln 25)]; a key selection unit operable to judge, based on the key selection information [DRM System – License Evaluator uses State Store information (Fig 4, Itm 36 and Itm 40)], which of the medium key and the content key is to be used in decryption of the encrypted content [DRM System – Content Rendering Part 2, and DRM License Evaluator (starting Col 16, Ln 54)]. Keys needed to render content depend on License(s) obtained and Right(s) negotiated (Col 21, Ln 1-10)]; and a decryption unit operable to decrypt the encrypted content using the key selected by the key selection unit [DRM System – Black Box (Col 15, Ln 60-63)].

Regarding claim 3, Peinado et al. teach a playback terminal for playing back a medium on which is recoded encrypted content, a medium key that is unique to the medium, and key selection information, comprising: a license obtaining unit [DRM System – License Acquisition (starting Col 18, Ln 41)] operable to obtain a license that includes at least a decryption key for the encrypted content [Col 21, Ln 29-31] and a usage condition [Digital Rights License ie. the rights description or actual terms and conditions]; a content key obtaining unit operable to obtain a content key from the license [DRM System – License Evaluator (starting Col 15, Ln 25)]; a key selection unit operable to judge, based on the key selection information [DRM System – License Evaluator uses State Store information (Fig 4, Itm 36 and Itm 40)], which of the medium key and the content key is to be used in decryption of the encrypted content [DRM System – Content Rendering Part 2, and DRM License Evaluator (starting Col 16, Ln 54)]. Keys needed to render content depend on License(s) obtained and Right(s) negotiated (Col

21, Ln 1-10)]; a usability judgment unit operable to judge, based on the usage condition, whether content corresponding to the license is usable [DRM System – License evaluator, It locates one or more licenses, determines validity, and rights whether user can use content, and for what manners it can be used for (Col 15, Ln 25-32).]; and a decryption unit operable to decrypt the encrypted content using the key selected by the key selection unit, when either (i) the key selection unit judges that the medium key is to be used, [The medium key, can be another decryption key that is based on a license exclusively for a unique packaged medium (Col 7, 25-29).] or (ii) when the key selection unit judges that the license key is to be used and the usability judgment unit judges that the content is usable [DRM System – Black Box (Col 15, Ln 60-63)].

Regarding claim 4, Peinado et al. teach the playback apparatus of Claim 1, wherein the key selection information [Key selection information is information necessary to retrieve necessary licenses to render digital content and thus include content information stored by device.] has stored therein a content identifier, and key type information that indicates which of the medium key and the content key is to be used [Col 11, Ln 1-11. Note that key type whether medium key or content key is distinguished based on the type of license since digital content can be distinguished by both just content itself or as a content packaged medium (Col 11, Ln 5)].

Regarding claim 5, Peinado et al. teach the playback apparatus of Claim 1, wherein the key selection information is multiplexed with the encrypted content [A mux filter

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performs muxing on the header information and encrypted digital content. (Col 9, Ln 30)].

Regarding claim 6, Peinado et al. teach the playback apparatus of may Claim 1, wherein the key selection information has listed therein an identifier of a license corresponding to the content [License acquisition information (Col 11, Ln 7-8), (Col 19, Ln 5-21)], and the content key obtaining unit operable to obtain a content key from the license specified by the license identifier [DRM System – License Evaluator (starting Col 15, Ln 25)].

Claims 7-9 are rejected because claims 1-3 is the apparatus performing the methods of claims 7-9 respectively.

Regarding claim 10, Peinado et al. teach a medium that stores encrypted content, the medium having recorded thereon [Content Server can copy digital content packages onto magnetic or optical disks or other storages devices which may then be distributed (Col 10, Ln 1-3).]: a medium key that is unique to the medium [In one embodiment, different encryption/decryption keys (which can be a symmetric key – Col 7, Ln 39) are used to serially produce several different digital content packages (Col 7, Ln 25-29) to track distribution. Fingerprinting/watermarking can also be employed to produce unique packages that can be copied onto a medium (Col 8, Ln 1-7)]; and key selection information indicating whether or not the encrypted content is encrypted with the

medium key [License acquisition information (Col 11, Ln 7-8), (Col 19, Ln 5-21)].

Regarding claim 11, Peinado et al. teach the medium of Claim 10, wherein a content identifier is recorded in the key selection information [License acquisition information (Col 11, Ln 7-8), (Col 19, Ln 5-21)].

Regarding claim 12, Peinado et al. teach the medium of Claim 10, wherein a license identifier is recorded in the key selection information [License acquisition information (Col 11, Ln 7-8), (Col 19, Ln 5-21)].

Regarding claim 13, Peinado et al. teach the playback apparatus of Claim 2, wherein the key selection information [Key selection information is information necessary to retrieve necessary licenses to render digital content and thus include content information stored by device.] has stored therein a content identifier, and key type information that indicates which of the medium key and the content key is to be used [Col 11, Ln 1-11. Note that key type whether medium key or content key is distinguished based on the type of license since digital content can be distinguished by both just content itself or as a content packaged medium (Col 11, Ln 5)].

Regarding claim 14, Peinado et al. teach the playback apparatus of Claim 3, wherein the key selection information [Key selection information is information necessary to retrieve necessary licenses to render digital content and thus include content

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information stored by device.] has stored therein a content identifier, and key type information that indicates which of the medium key and the content key is to be used [Col 11, Ln 1-11. Note that key type whether medium key or content key is distinguished based on the type of license since digital content can be distinguished by both just content itself or as a content packaged medium (Col 11, Ln 5)].

Regarding claim 15, Peinado et al. teach the playback apparatus of Claim 2, wherein the key selection information is multiplexed with the encrypted content [A mux filter performs muxing on the header information and encrypted digital content. (Col 9, Ln 30)].

Regarding claim 16, Peinado et al. teach the playback apparatus of Claim 3, wherein the key selection information is multiplexed with the encrypted content [A mux filter performs muxing on the header information and encrypted digital content. (Col 9, Ln 30)].

Regarding claim 17, Peinado et al. teach the playback apparatus of Claim 2, wherein the key selection information has listed therein an identifier of a license corresponding to the content [License acquisition information (Col 11, Ln 7-8), (Col 19, Ln 5-21)], and the content key obtaining unit operable to obtain a content key from the license specified by the license identifier [DRM System – License Evaluator (starting Col 15, Ln 25)].

Regarding claim 18, Peinado et al. teach the playback apparatus of Claim 3, wherein the key selection information has listed therein an identifier of a license corresponding to the content [License acquisition information (Col 11, Ln 7-8), (Col 19, Ln 5-21)], and the content key obtaining unit operable to obtain a content key from the license specified by the license identifier [DRM System – License Evaluator (starting Col 15, Ln 25)].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Jeriko P. San Juan whose telephone number is 571-272-7875. The examiner can normally be reached on M-F 8:30a - 6:00p EST.

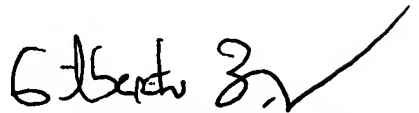
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJSJ

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